

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi -110001

No.ECI/PN/35/2009-MCPS

Dated 5th July, 2009

PRESS NOTE

Subject : - Use of EVM in elections - regarding

The Election Commission of India has come across news items in a section of the Press regarding the technological vulnerability of the Electronic Voting Machine (EVM) for possible manipulation. These news items refer to a letter handed over to the Commission by Shri Omesh Saigal, a retired civil servant. In this regard, the Commission would like to clarify that Shri Saigal handed over a letter on this matter, when he met the Chief Election Commissioner on 30th of June 2009. However, no demonstration on the tamperability of the EVM has been given by Shri Saigal to the Commission or to its officials, nor has the Commission ordered any enquiry, as reported in a section of the Press.

The Commission receives complaints, petitions and letters from various quarters on electoral issues including the matters related to EVM. All these complaints are looked into for taking necessary action, if any is required. The Commission has also been receiving letters from time to time, from various individuals and other stake holders about the possibility of EVM being tampered. In some of the cases, analogy is drawn to electronic voting systems adopted in various foreign countries and their experience with the electronic voting. The Commission has in the past, provided opportunities to the complainants to prove their points on the alleged vulnerability of EVM. So far, no one has been able to demonstrate to the Commission that EVM can be manipulated. The efficacy of EVM was also questioned in court cases in the past and the decisions of the courts [the Hon'ble Madras High Court, Karnataka High Court, Bombay High Court (Nagpur Bench), and the Kerala High Court, and as upheld by the Hon'ble Supreme Court] in these cases have confirmed the reliability of EVM.

From the initial introduction in 1982, to the country- wide use of EVM in 2004, the country took long and measured steps spanning over a period of nearly two decades, in the matter of electronic voting. In the meanwhile, general elections to various legislative assemblies, and numerous bye-elections and two general elections to the Lok Sabha have been conducted using EVMs at all polling stations. The tamper-proof technological soundness of the EVM has been endorsed by a technical experts subcommittee appointed at the initiative of the Parliamentary Committee on Electoral Reforms in 1990. This experts committee was headed by Prof S.Sampath, then Chairman RAC, Defence Research and Development Organisation, with Prof P.V.Indiresan, then with IIT, Delhi, and Dr C.Rao Kasarabada, then Director Electronic Research and Development Center, Trivandrum as members. Subsequently, the Commission has also been consulting a group of technical experts comprising Prof P.V. Indiresan (who was also part of the earlier committee referred to above) and Prof D.T. Sahani and Prof A.K Agarwala both of IIT Delhi, regularly, on all EVM related technical issues. Besides, the Commission has in place elaborate administrative measures and procedural checks-and –balances aimed at total transparency and prevention of any possible misuse or procedural lapses. These measures include rigorous pre-election checking of each EVM by the technicians, two level randomization with the involvement of political parties, candidates, their agents, for the random allotment of the EVMs to various constituencies and subsequently to various polling stations, preparation of the EVMs for elections in the presence of the candidates/their agents, and the Election Observers, provision for various thread seal and paper seal protection against any unauthorized access to the EVMs after preparation, mock poll in the presence of polling agents and mock poll certification system before the commencement of poll, post poll sealing and strong room protection, randomization of counting staff, micro observers at the counting tables, and so on.

The Election Commission of India is amply satisfied about the non-tamperability and the fool-proof working of the EVMs. The Commission's confidence in the efficacy of the EVMs has been fortified by the judgments of various courts and the views of technical experts. The honorable Karnataka High Court has hailed the EVM as 'a national pride' (judgment dated 5.2.2004 in Michael B. Fernandes Vs C.K.Jaffer Sharief and others in E.P No 29 of 1999)

The Commission will however consider all the points raised and apprehensions expressed recently by various political leaders and individuals regarding EVM and take all necessary measures to clear doubts about EVM elections in the country.

(K.F.WILFRED)

SECRETARY